

// A special meeting of the Council of the City of Lynchburg, recessed from June 10, was held on the 24th day of June, 2003, at 2:30 P.M., in the Third Floor Conference Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items.

The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and for consultation with legal counsel and briefings by staff members concerning a specific legal matter involving the rezoning of the Ericsson property and concerning a specific legal matter, both of which require the provision of legal advice pursuant to Section 2.2-3711 (A) (1) and (7), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Adams, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Adams, Council by the following recorded vote re-appointed Barbara J. Coleman, Charles E. Johnson, Jr., and Ann H. Wrenn, to serve on the Youth Services Citizens Board for terms to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed Neda Hicks, Louise Mitchell and Mark J. Peake to serve on the Youth Services Citizens Board for terms to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Mary L. Hutcherson to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Louis C. Fischer, Scott Glass and Robert Holloway to serve on the Historic Preservation Commission for terms to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed Frances C. Calhoun to serve on the Historic Preservation Commission to fill an unexpired term ending June 30, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed Lisa Fogleman to serve on the Historic Preservation Commission to fill an unexpired term ending June 30, 2004:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// City Council then moved to the Second Floor Training Room to continue with the work session.

// City Manager Kimball Payne provided an update regarding the meeting between City staff and a number of local landlords regarding the implementation of the revised Rental Inspection Program. Mr. Payne stated that while the landlords understand the purpose of the program and support its goals, there is still considerable disagreement regarding the way the program will be paid for, i.e., an \$18/rental dwelling unit annual fee. City Manager Payne also advised that since the original ordinance was adopted, State law has changed that may affect those areas currently designated under the City's Rental Inspection Program.

City Attorney Walter Erwin advised of a potential lawsuit by local landlords challenging Lynchburg's Rental Inspection Program and advised that if such a lawsuit is filed, that the City's program may be placed on hold for as much as two years. Council discussed the merits of the program, the concerns of local landlords including a potential lawsuit, and determined that staff needed to move forward with the changes to the program including implementation of the \$18/rental dwelling unit annual fee. City Manager Payne advised that staff would need to verify that the areas currently under the Rental Inspection Program are still correct, revise the current fee schedule to reflect a reduction in the annual fee per rental dwelling unit from \$25 to \$18, and bring this matter back to City Council at either the July or August meeting for formal action.

// Communications and Marketing Director JoAnn Martin provided an overview regarding implementation of a Lynchburg Citizen Academy. Ms. Martin explained that the purpose of the Academy would be to

familiarize members of the public with the function and purpose of Lynchburg City government with an educational hands-on experience through a series of seven general sessions and two leadership development sessions. Ms. Martin went on to say that one of the goals would be to gain a pool of knowledgeable individuals for service on boards and commissions and other volunteer activities. In response to Council questioning, Ms. Martin stated that Lynchburg residents would be given first choice for participation in the Academy.

// Financial Services Director Mike Hill presented information regarding the Lynchburg Area Women's Bowling Association's request for bowling to be exempted from the City's amusement tax. Mr. Hill explained that amateur sports tournaments, including bowling tournaments, are already exempt from the amusement tax. Following a review of the information and in lieu of the fact that amateur bowling tournaments are already exempt, City Council decided not to make any changes to the City's amusement tax.

// Deputy City Manager Bonnie Svrcek presented a list of questions concerning the budget process to receive feedback from City Council regarding what worked well, what didn't work so well, and where enhancements and improvements could be made to help with next year's budget deliberation. City Manager Kimball Payne noted that staff is working towards a biennial budget process beginning with FY2005 to coincide with the State's biennial budget process. In response to Council questioning, City Manager Payne explained that non-profit organizations will be required during next year's budget process to submit detailed information regarding any funding requests, and that City Council will still need to decide whether or not to fund non-profit organizations.

// During roll call, Council Member Garber informed of a citizen request for the grass to be cut along the public right-of-way at 302 Oakley Avenue, and concerns regarding individuals trespassing at night on the Allen-Morrison property. Council Member Seiffert inquired if two left turn lanes could be installed at the Lakeside Drive/Old Forest Road intersection to handle the large volume of traffic turning left from Lakeside Drive onto Old Forest Road. Council Member Seiffert also stated that City Council might want to take a formal position with regard to public art being displayed in the Downtown area, and asked that the item be scheduled for work session discussion. Council Member Seiffert also suggested that alternative trash disposal methods be considered. Vice Mayor Dodson stated that the Region 2000 Regional Commission is looking at a regional approach for trash disposal. Mayor Hutcherson noted that he still receives calls regarding traffic signal lights not working.

// The meeting was adjourned at 4:48 p.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 24 day of June, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Vice Mayor Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the June 10, 2003 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R-03-104 appropriating \$17,500 to provide for the payment of rent by the City to the Lynchburg Regional Airport for the City's Fire Training Facility located on 25 acres of airport property, laid over from the June 10, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R-03-105 appropriating \$20,000 to provide the 20% local match required for construction of an aircraft/ vehicle wash rack, laid over from the June 10, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, Resolution #R-03-106 amending the FY 2003 Home Investment Trust Fund budget and appropriating \$25,000 to that Fund, with program income resources from the Rental Rehabilitation designated fund balance, to fund the additional HOME eligible projects, laid over from the June 10, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fleet Services, Resolution #R-03-107 amending the FY 2003 Fleet Services budget and appropriating \$59,891 from auction proceeds to supplement the fleet replacement program, laid over from the June 10, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R-03-108 amending the Airport Projects Grant Fund budget and appropriating \$89,279, with \$71,423 reimbursement, for the rehabilitation of the Airport's North General Aviation Apron Project, laid over from the June 10, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Sewer, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-114, as presented, authorizing the City Manager to execute a contract with F.L. Showalter, Inc., to construct the CSO Separation Project entitled "CSO 12.4" generally located in the Sussex Street, Oak Ridge Boulevard and Perrymont Avenue area:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Refuse, a public hearing was held regarding City Council Report #8 regarding amending the FY 2003 Solid Waste Management Fund Operating Budget and appropriating \$1,180,000 for the purchase of new refuse trucks, the retro-fitting of existing refuse trucks, purchase of residential trash carts and a public information campaign. City Manager Kimball Payne outlined the request. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-115, as presented, amending the FY 2003 Solid Waste Management Fund Operating Budget and appropriating \$1,180,000 for the purchase of new refuse trucks, the retro-fitting of existing refuse trucks, purchase of residential trash carts and a public information campaign:

Ayes: Adams, Barksdale, Dodson, Foster, Hutcherson 5

Noes: Garber, Seiffert 2

// In the matter of Public Works - Water, Mr. B. A. Langley spoke regarding the proposed requirement of city water accounts being placed in the name of the property owner on rental properties as opposed to the current requirement of the account being in the name of the user of the water. Mr. Langley suggested that the current policy not change and that the City instead do a credit check on individuals applying for a water account and base the deposit on the creditworthiness of the individual. City Manager Kimball Payne stated that the City currently charges a deposit but that it would look into Mr. Langley's suggestion. Mr. Payne also noted that there has been some confusion with regard to the recent change and that the only rental properties affected would be multi-family units using one water meter. Mr. Schaefer Oglesby and Mr. Gary Case also asked that rental property owners be notified if the City decides to change its current collection process to require rental property owners to pay for outstanding water bills for tenants that the City are unable to locate.

// In the matter of Public Works - General, City Council Report #10 regarding authorizing the City Manager to execute a contract with J. E. Jamerson and Sons, Inc., to construct the "9" Street CSO Separation/Streetscaping Project" located on 9<sup>th</sup> Street from Commerce to Church Street was considered.

In response to questioning, Co-Project Manager Charles Grant explained the reasons for the additional costs associated with the project. On motion of Vice Mayor Dodson, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-116, as presented, authorizing the City Manager to execute a contract with J. E. Jamerson and Sons, Inc., to construct the "9" Street CSO Separation/Streetscaping Project" located on 9<sup>th</sup> Street from Commerce to Church Street:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// The meeting was adjourned at 5:36 P.M.

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Clerk of Council